

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

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**IN RE: PRADAXA (DABIGATRAN  
ETEXILATE) PRODUCTS LIABILITY  
LITIGATION**

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)  
) **3:12-md-02385-DRH-SCW**  
)  
) **MDL No. 2385**  
)

**This Document Relates to:**

**ALL CASES**

**MINUTES OF STATUS CONFERENCE**

**PRESIDING: CHIEF JUDGE DAVID R. HERNDON**

**DATE: July 9, 2013**

**COURT REPORTER: Barb Kniepmann**

**PLACE: East St. Louis, Illinois**

**COURTROOM DEPUTY: Sara Jennings**

**APPEARING FOR PLAINTIFFS:**

**Mark R. Niemeyer, Michael A. London,  
Mikal C. Watts, Steven D. Davis, Roger C.  
Denton, Seth A. Katz**

**APPEARING FOR DEFENDANTS:**

**Dan H. Ball, Paul W. Schmidt, Beth S.  
Rose, Eric E. Hudson (via phone)**

**TIME: 2:20 PM – 2:40 PM**

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Court met with lead and liaison counsel prior to the hearing today.

Mr. Schmidt reported on the status of the Short Form Answer CMO. A proposal will be submitted to the Court.

The Court addressed appointment of a special master for depositions. The parties will provide deposition transcripts to the Court and the Court will assess the need for appointment of a special master. The parties will provide written oral argument to the Court by July 16, 2013 and July 23, 2013.

Mr. Schmidt reported on the scheduling of depositions in bellwether cases. Judge Herndon directs that the plaintiffs will be the first conduit in contacting treating physicians to schedule depositions. The parties will continue to confer regarding which party will take the lead in treating physician depositions. If the parties cannot reach an agreement, the matter will be brought to the Court approximately one week from today. In the interim, there will not be a "race" to be the first to notice treating physician depositions.

Mr. Schmidt and Mr. Katz addressed interpretation of CMO 28 with regard to sales representative depositions.

The parties reported on complaints without service after 120 days. Defense counsel will provide Tor Hoerman with a list of relevant cases and plaintiffs' counsel will communicate with the attorneys. Mr. Hoerman states he will communicate with the attorneys within 30 days. The parties will keep the Court advised and the Court will follow-up if necessary.

Mr. Watts reported on status of third party subpoenas with PHRI. The first available date for the Canadian court to review PHRI's arguments regarding the subpoena is April, 2014 which is unsatisfactory and could cause a setback. Mr. Schmidt reported that defendants do not oppose the requests. The Court urged plaintiffs to narrow any issues to facilitate a move forward.

Mr. Ball reported that a new CMO 15 will be submitted stating the new address for delivery of plaintiff fact sheets. *Address is: Amy Harper, Butler Snow, 150 Third Avenue, Suite 1600, Nashville, TN 37201.*

Mr. Schmidt reported on the status of the motion to dismiss the class action claim in *Jackson*.

Next status conference set for **August 8, 2013** at **9:30 AM**.